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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/527,410 03/16/00 YANG

B YKI-0034

MICHAEL A CANTOR ESQ
CANTOR COLBURN LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

MMC1/0719

EXAMINER

EASTHOM, K

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 07/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/527,410

Applicant(s)
Yang

Examiner
Karl Easthom

Group Art Unit
2832



☒ Responsive to communication(s) filed on Mar 16, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 (approved)

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Howe et al.

Howe et al. discloses the claimed invention at Fig. 1 where 13 and 16 comprise the sealing spacers, and the portion emanating through 13 are the leads are part thereof. In claim 5, the part 13 is in the form of a cylinder where the housing is cylindrical.

3. Claims 1-2, 5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Jonassen. Jonassen discloses the claimed invention at Fig. 6 where 22 comprise the sealing spacers, and the the leads are 39. The welding of claim 2 is via the solder joints 30. In claim 5, the spacers are cylindrical.

4. Claims 1-4 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kozlowski. Kozlowski discloses the claimed invention at Fig. 1, 1 and 2 comprise the sealing spacers, and the leads 20, 10 emanate therethrough.. Fig. 2 discloses the cylindrical shape of claim 5. In claim 2, the melting and bonding at col. 3 meets the welding where the glass is heated. In claim 3, 8, the repeated backfilling and flushing results in the clean dry air and mixtures of argon, col. 3, lines 5-20.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 12 are rejected under 35 U.S.C. 102(b) as anticipated by Kozlowski or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kozlowski. The claimed invention is as noted above where the repeated backfilling and flushing inherently results in the cleanliness claimed, col. 3, lines 5-20. Alternatively, it would have been obvious to backfill and flush until the desired cleanliness is obtained where repeated flushing for cleaning is disclosed, for the purpose of getting the air as clean as possible.

7. Claims 6-7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonassen or Kozlowski, in view of Harada et al. The noted references disclose the claimed invention except for the lead wires being Dumet. Harada et al. discloses such a lead wire at col. 6 for the purpose of forming leads that penetrate glass. It would have been obvious in view of Harada et al. to form lead wires of Dumet for penetrating the glass of the references noted.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Splitt et al., Myers, Hansell, Gerth, Jones, Westrom, and Yang disclose surge absorbers.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703) 308-3306. The examiner can normally be reached on M-Th from 6:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Gellner, can be reached on (703) 308-1721. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1721.

7/15/00


KARL D. EASTHOM
PRIMARY EXAMINER